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OFFICE OF PETITIONS

In re Application of: :
Yamazaki et al. :
Application No.: 09/578,895 :
Filed: May 26, 2000 : Decision on Petition
Attorney Docket No. 0756-2160 :

This is a decision on the Petition under 37 CFR 1.182, Requesting the Commissioner Invoke Supervisory Authority and Direct the Examiner to Consider the Information Disclosure Statement Filed November 21, 2001 Pursuant to 37 CFR 1.97 and MPEP Chapter 609, filed October 17, 2003.

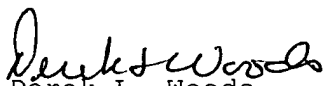
A petition under 37 CFR 1.182 is only applicable in situations that are not specifically provided for in title 37 of the Code of Federal Regulations. In this instance, Applicant seeks to have the Commissioner direct the Examiner to consider an Information Disclosure Statement ("IDS"). Under 37 CFR 1.181, Petition to the Commissioner, a petition may be filed to address any action or requirement of an Examiner in the *ex parte* prosecution of an application. The Manual for Patent Examining Procedure ("MPEP"), section 1002.02(c), Petitions and Requests Decided by the Technology Center Directors, provides that Petitions invoking the supervisory authority of the Commissioner under 37 CFR 1.181, involving any *ex parte* action or requirement in a patent application, are decided by the Technology Center Directors.

Accordingly, the petition is **dismissed as immaterial**.

The Technology Center is hereby authorized to treat the petition filed under 37 CFR 1.182 as a petition under 37 CFR 1.181. Accord MPEP 1002.02(c)(3).

The application file is being forwarded to Technology Center 2800 for consideration of the petition.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.


Derek L. Woods
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Office of Petitions